

# Exhibit M

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1 UNITED STATES DISTRICT COURT  
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

3 SANDRA GUZMAN, et al.,

4 Plaintiffs,

New York, N.Y.

5 v.

09 Civ. 9323 (BSJ) (RLE)

09 Civ. 9832 (BSJ) (RLE)

6 NEWS CORPORATION, et al.,

7 Defendants.

8 -----x

9 May 31, 2012

9 2:40 p.m.

10 Before:

11 HON. RONALD L. ELLIS,

12 Magistrate Judge

13  
14 APPEARANCES

15  
16 THOMPSON WIGDOR, LLP

16 Attorneys for Plaintiffs

17 BY: PAUL A. CLARK

17 SHAFFIN A. DATOO

18 KASOWITZ, BENSON, TORRES & FRIEDMAN, LLP

19 Attorneys for Defendants

19 BY: MARK W. LERNER

20 BLYTHE E. LOVINGER

20 GARRETT D. KENNEDY

21 ALSO PRESENT:

22 J. JORDAN LIPPNER, News America, Incorporated

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24 (212) 805-0300  
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1 THE DEPUTY CLERK: In the matter of Sandra Guzman et  
2 al. v. News Corporation, et al.

3 All counsel please identify yourselves for the record,  
4 starting with the plaintiffs.

5 MR. CLARK: Paul Clark and Shaffin Datoos for the  
6 plaintiff Sandra Guzman, from the law firm of Thompson Wigdor,  
7 your Honor.

8 THE COURT: Good afternoon.

9 MR. LERNER: Good afternoon, your Honor. Mark Lerner  
10 and Blythe Lovinger, of Kasowitz Benson, for the defendants.  
11 Also present is Jordan Lippner, in-house counsel for the  
12 defendants, and Garrett Kennedy, an associate at our firm.  
13 Good afternoon.

14 THE COURT: Good afternoon.

15 There are a number of issues that are pending before  
16 the court, some of which I have ruled on but have not issued  
17 opinions.

18 Let me begin with the issues that were decided and I  
19 have not issued opinions. The short answer to those is that  
20 you will be getting written decisions shortly, I expect within  
21 the next two weeks. I try not to promise more than I can keep,  
22 but sometimes other things come up. That includes the  
23 plaintiffs' application regarding documents and complaints  
24 filed concerning pornography complaints in the work force. It  
25 also includes plaintiff requests to depose Murdoch, and

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1 plaintiffs' request to do an examination of the workplace of  
2 the New York Post premises. Those were orally ruled upon, but  
3 I have been requested and do intend to issue a written opinion.

4 MR. CLARK: Thank you, your Honor.

5 THE COURT: With respect to the matters referring to  
6 the issues that the parties have submitted, I would like to  
7 know what progress you are making on depositions.

8 MR. CLARK: Your Honor, we hope and anticipate that  
9 all the depositions will be finished by the end of June. It  
10 has been slowed down quite a bit. I think we have only taken a  
11 couple of depositions in the last month. The reason for that  
12 was because Kenneth Thompson, the partner on the case, has had  
13 some personal issues that has made it difficult for him to be  
14 involved. So we have not moved as quickly as we would like to.  
15 But we are in the process of finishing those up, and we do  
16 anticipate it will be done by the deadline, the last deadline  
17 the court has set, and we don't anticipate we will have to ask  
18 for any further continuances.

19 THE COURT: My notes indicate that you indicated that  
20 you would be finished by the 15th of June. That may not have  
21 been the deadline for discovery, but that's the date that my  
22 notes indicate. By the end of June I could live with.

23 MR. CLARK: Very good, your Honor.

24 THE COURT: I also signed a summary judgment briefing  
25 schedule, although you understand that's before Judge Jones.

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1 MR. LERNER: Yes, your Honor.

2 MR. CLARK: Yes, your Honor.

3 THE COURT: You are prepared to talk about Guzman and  
4 Fenner?

5 MR. CLARK: Yes, your Honor.

6 THE COURT: With respect to Guzman, there is a motion,  
7 defendants' motion for a protective order with respect to Col  
8 Allan?

9 MR. LERNER: Yes, your Honor. There were a number of  
10 questions that Mr. Allan was asked at his deposition that  
11 related to the process by which the cartoon was decided to be  
12 published. It is a very limited number of questions. I  
13 believe the total number of questions were 11, and there may --  
14 that 11 may have included a question about another publication  
15 of a photograph and another regarding publication -- regarding  
16 a columnist. The defendants' position is that Mr. Allan  
17 answered numerous questions regarding the cartoon, regarding  
18 what it meant to him. Other witnesses have as well. And, your  
19 Honor, I don't mean to overstep --

20 THE COURT: Let me ask you this: Is there anything  
21 other than what's in the party's papers that they want to add?  
22 I will be issuing a written ruling on that also hopefully  
23 within the next couple of weeks.

24 MR. LERNER: No, your Honor, there isn't. And this is  
25 an issue which was fully briefed. We started with the exchange  
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1 of letters, and then we actually moved on to full briefs. So  
2 your Honor actually has quite a bit of material before you.

3 MR. CLARK: The only thing I would add, your Honor, I  
4 agree, I think it's been fully brief. I don't have any legal  
5 argument to add. But one thing that might not be entirely  
6 clear, Mr. Lerner speaks about the specific questions, but I  
7 just wanted to make sure the record was clear that the way they  
8 shut us down, when we were unable to ask certain questions,  
9 there may have been -- in fact, there would have been more than  
10 just those 11 questions, because obviously we weren't going to  
11 keep asking questions that they had made clear they weren't  
12 going to answer. So there are additional things we want to ask  
13 along the lines of where they are claiming a privilege. So  
14 it's not just those 11 or so questions. I just want that to be  
15 clear.

16 THE COURT: I will say that I believe that probably  
17 would be the case, that it would not be limited to the 11  
18 questions that were specifically asked. Given the history of  
19 this case, I think it would be a fair assumption that there  
20 would be more questions at issue, so I will take that into  
21 account in the ruling.

22 The next issue is the Rule 35 IME of the plaintiff;  
23 and, with respect to that, I have gotten the parties'  
24 submissions, and I believe we talked about it the last time.  
25 It appears to me that, no matter how you slice it, the

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